
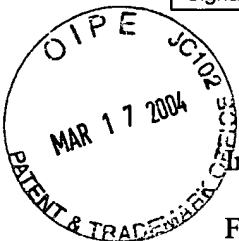


CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and addressed to: Mail Stop <u>RCE</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date: <u>March 17, 2004</u> EXPRESS MAIL LABEL NO. EL 977673935 US			
Name (Print/Type)	Jan Huss		
Signature		Date	March 17, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Kam, Chih Min
)
Frederic DeSAUVAGE, et al.) Art Unit: 1653
)
Application Serial No. 09/813,775) Attorney's Docket No. 39766-0057 CP2
)
Filed: March 20, 2001) Customer No. 25213
)
For: NOVEL CHIMPANZEE)
ERYTHROPOIETIN (CHEPO))
POLYPEPTIDES AND NUCLEIC)
ACIDS ENCODING THE SAME)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Office of Petitions
Crystal Plaza 4
Suite 3C23
Arlington, VA 22202

Sir:

Listed on an attached Form PTO-1449 is information known to applicant(s). This statement is being filed along with a Request for Continued Examination (RCE).

Applicants respectfully request that the information listed on the attached Form 1449 be considered by the Examiner and made of record in the above-identified application. The Examiner is requested to initial and return the enclosed Form 1449.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☒ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39766-0057 CP2)**.

Respectfully submitted,

Dated: March 17, 2004

By: Leslie Mooi
Leslie A. Mooi (Reg. No. 37,047)

HELLER EHRMAN WHITE & McAULIFFE LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

Form PTO-1449 INFORMATION DISCLOSURE STATEMENT MAR 17 2004 <i>(use several sheets if necessary)</i>	Attorney's Docket No. 39766-0057 CP2	Application Serial No. 09/813,775
	Applicant(s) Frederic DeSAUVAGE, et al.	
	Filing Date: March 20, 2001	Group Art Unit: 1653

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)
	1.	10/1987	4,703,008	LIN, Fue-Kuen	435	360	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
	2.	08/1992	0 232 034 B1	Yanagi et al.				x
	3.	11/1994	WO 94/2505	Okasinski et al.				x

OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
	4.	Jacobs et al. "Isolation and characterization of genomic and cDNA clones of human erythropoietin, Nature, Vol. 313, pp 806-810 (1985).
	5.	Blast Reports, A1-A9
	6.	Lin, et al.; "Cloning and Expression of the Human Erythropoietin Gene", PNAS, 82:7580-7584 (1985)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).